

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

CLEVE BLAIR
Plaintiff,

VS.

**METROPOLITAN LLOYDS INSURANCE
COMPANY OF TEXAS**

Defendant.

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CIVIL ACTION NO.

**DEFENDANT METROPOLITAN LLOYDS INSURANCE COMPANY
OF TEXAS' NOTICE OF REMOVAL**

TO THE HONORABLE COURT:

Pursuant to 28 U.S.C. Sections 1441 and 1446, Defendant Metropolitan Lloyds Insurance Company of Texas ("Metropolitan Lloyds") in Cause No. 236-277738-15, pending in the 236th Judicial District Court of Tarrant County, Texas, files this Notice of Removal from that court to the United States District Court for the Northern District of Texas, Fort Worth Division, on the basis of diversity of citizenship and amount in controversy and respectfully shows:

**I.
FACTUAL BACKGROUND**

1.1 On April 6, 2015, Plaintiff Cleve Blair ("Plaintiff") filed his Original Petition in the matter styled *Cleve Blair v. Metropolitan Lloyds Insurance Company of Texas*, Cause No. 236-277738-15, in the 236th Judicial District Court of Tarrant County, Texas, in which Plaintiff asserts Defendant wrongfully denied Plaintiff's claims for damages to his home and other property under a homeowners insurance policy issued by Defendant arising from alleged damage to his roof and property caused by a storm that hit the Fort Worth, Texas area. In addition,

Plaintiff also asserts various generic claims against Defendant under the Texas Insurance Code and Texas Deceptive Trade Practices Act.

1.2 Plaintiff served the registered agent for Metropolitan Lloyds with the citation and Plaintiff's Original Petition on April 10, 2015. Defendant files this Notice of Removal within the thirty-day time period required by 28 U. S. C. Section 1446(b). Attached hereto as Exhibit "1" is the Index of State Court Documents. A copy of the Tarrant County Clerk's file for this case is attached as Exhibit "2", which includes true and correct copies of all executed process, pleadings and orders, and a copy of the docket sheet. Attached hereto as Exhibit "3" is the Designation of Counsel.

II.

BASIS FOR REMOVAL

2.1 Removal is proper based upon diversity of citizenship under 28 U.S.C. §§ 1332(a)(1), 1441(a), and 1446.

A. THE PARTIES ARE OF DIVERSE CITIZENSHIP

2.2 Upon information and belief, and as pled in his Original Petition, Plaintiff Cleve Blair is, and was at the time the lawsuit was filed, a resident of the State of Texas. *See* Plaintiff's Original Petition at p. 1.

2.3 Defendant Metropolitan Lloyds Insurance Company of Texas is and was at the time this lawsuit was filed, an unincorporated association of underwriters whose individual underwriters are citizens of the States of Rhode Island and Wisconsin and are not residents or citizens of Texas. Metropolitan Lloyds is therefore not a citizen of the State of Texas for purposes of determining Federal diversity jurisdiction.

2.4 Because Plaintiff is a citizen of Texas, and Defendant Metropolitan Lloyds is a citizen of Rhode Island and Wisconsin, complete diversity of citizenship exists among the parties.

B. THE AMOUNT IN CONTROVERSY EXCEEDS THE JURISDICTIONAL REQUIREMENTS FOR SUBJECT MATTER JURISDICTION.

2.5 The amount in controversy requirement for Federal diversity jurisdiction is clearly satisfied in this case as evidenced by Plaintiff's Original Petition in which Plaintiff alleges he "seeks monetary relief over \$100,000.00 but not more than \$200,000.00." See Original Petition at p. 13. This amount clearly exceeds the jurisdictional requirements for Federal subject matter jurisdiction, and demonstrates that the amount in controversy requirement is satisfied.

**III.
THE REMOVAL IS PROCEDURALLY CORRECT**

3.1 Defendant was first served with Plaintiff's Original Petition and process on April 10, 2015. Defendant files this notice of removal within the 30-day time period required by 28 U.S.C. § 1446(b).

3.2 Venue is proper in this District and Division under 28 U.S.C. §1446(a) because this District and Division include the county in which the state action has been pending and because a substantial part of the events giving rise to Plaintiff's claims allegedly occurred in this District and Division.

3.3 Pursuant to 28 U.S.C. §1446(a), all pleadings, process, orders, and all other filings in the state court action are attached to this Notice.

3.4 Pursuant to 28 U.S.C. §1446(d), promptly after Defendant files this Notice, written notice of the filing will be given to Plaintiff, the adverse party.

3.5 Pursuant to 28 U.S.C. §1446(d), a true and correct copy of this Notice of Removal will be filed with the Clerk of the Tarrant County District Court, promptly after Defendant files this Notice.

IV.
DOCUMENTS AND EXHIBITS ACCOMPANYING REMOVAL

4.1 Simultaneously with the filing of this Notice of Removal, attached hereto as Exhibit “1” is an index of all documents filed in the state court action and a copy of each document.

4.2 Attached hereto as Exhibit “2” is a copy of the Docket Sheet of the case pending in 236th Judicial District Court of Tarrant County, Texas.

4.2A Attached hereto as Exhibit “2” is a copy of Plaintiff’ Original Petition with Civil Case Information Sheet.

4.2B Attached hereto as Exhibit “2” is a copy of the Officer’s Return of Service with an attached copy of the U.S. Postal Service Certified Mail Receipt showing date of delivery to Metropolitan Lloyds Insurance Company of Texas’ registered agent as April 10, 2015.

4.2C Attached hereto as Exhibit “2” is a copy of Defendant Metropolitan Lloyds’ Original Answer.

4.3 Attached hereto as Exhibit “3” is the Designation of Counsel.

4.4 Attached hereto as Exhibit “4” is a copy of Defendant’s Verified Plea in Abatement.

V.
CONCLUSION

5.1 Based upon the foregoing, and other documents filed contemporaneously with this Notice of Removal and fully incorporated herein by reference, Defendant, Metropolitan Lloyds Insurance Company of Texas, hereby removes this case to this court for trial and determination.

Respectfully submitted,

/s/Daniel P. Buechler

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**ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

I hereby certify that on May 7, 2015, I served the following document on counsel via electronic notice and/or certified mail, return receipt requested:

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/s/Daniel P. Buechler

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